



November 2017 Uniformity Committee Meeting
AGENDA
Thursday, November 16, 2017
8:30 a.m. – 4:00 p.m. Central Time
All times noted on the agenda are approximate.

Hotel Monteleone
214 Royal Street
New Orleans, Louisiana 70130

To participate by phone, please dial: 1-719-457-1414
Conference Code: 258090#

Committee Rules:

Generally – The Chair runs the meeting, following the agenda. Anyone wishing to speak should ask to be recognized by the Chair. Questions are welcome at any time and participation is encouraged. The agenda also provides signals for each topic as to the type of participation anticipated (discussion, advice, voting, etc.). Members of the public are invited to provide comments as well.

Committee Members – Committee membership is voluntary and inclusive. All state personnel present or on the phone during a meeting are welcome to participate as members of the Committee and can offer motions or amendments and participate in Committee discussion, etc. But only one person from each state should cast a vote. (Members from the same state can decide who votes.)

Motions and Amendments – Official Committee decisions are made by motion (no need for a second). Motions may be offered by any Committee member, with or without an invitation of the Chair. The moving member may amend or withdraw a motion prior to a vote and other members may offer amendments, “friendly” or not. The Chair will allow discussion of motions and amendments prior to voting. The Chair may allow a request to reconsider a motion after a vote.

Voting – The Chair determines how particular votes are taken—including asking for objections only. State members participating by phone may be asked to identify themselves when voting, but otherwise, there is no requirement for a roll call vote. Unless the Chair asks for objections only, members may vote to accept or reject a motion or amendment, or may abstain. Staff will be asked to record adopted motions and amendments, but need not record vote tallies unless requested.

I. Welcome and Introductions

(8:30 A.M. – 8:40 A.M.)

Holly Coon, Chair and Tommy Hoyt, Vice Chair

State representatives and members of the public are welcome, but not required, to introduce themselves.

II. Initial Public Comment Period

(8:40 A.M. – 8:50 A.M.)

Members of the public may take this opportunity to address the committee concerning any topic related to its purposes, including the agenda. If the comment is related to a specific item on that agenda, however, the Chair may request that the comment be saved until discussion of that item. The Chair may set time limits on public comments in order to give everyone the opportunity to speak and in order to complete committee business.

III. Approval of Minutes of Meeting Held August 1, 2017

(8:50 A.M. – 9:00 A.M.)

Holly Coon, Chair

IV. Report – General Uniformity Update

(9:00 A.M. – 9:10 A.M.)

Helen Hecht, General Counsel, MTC

MTC staff will give a report on developments in enacting or adopting the Commission’s uniform recommendations and other related matters.

V. PROJECT: Use Tax Information Reporting Model

(9:10 A.M. – 10:15 A.M.)

Phil Horwitz, Work Group Chair, and Sheldon Laskin, MTC

The Executive Committee referred the draft Use Tax Information Reporting Model, previously approved by this committee, back to the committee after the 10th Circuit upheld Colorado’s version of the information reporting requirements. This committee created a work group to consider any changes that might need to be made to the model. That work group has been having weekly phone calls to discuss possible changes.

Work Group Report – The work group will report on the status of the project and is expected to have a final draft for the committee to discuss and possibly approve.

Public Comment – The Chair will invite members of the public to provide information or comments on the proposed draft model.

Committee Discussion – The Chair will ask for comments or questions of the committee members and other state representatives and allow for discussion of the proposed draft model. In particular, the Chair may seek specific comments on:

- Changes made to the model by the work group
- Whether issues have been sufficiently addressed

Committee Vote – After discussion, the Chair may ask for or entertain specific motions and take a vote of the committee on:

- Any proposed amendments
- Approval of the model (as proposed or amended) for referral back to the Executive Committee
- Referral of the model or particular sections back to the work group with instructions

BREAK – 10:15 A.M. – 10:30 A.M.

**VI. PROJECT: Section 18 – Receipts Factor (Sec. IV.18.(c)) and Bank Holding Companies and Subsidiaries (Sec. IV.18.(d))
(10:30 A.M. – 11:30 A.M.)
Holly Coon, Work Group Chair, and Bruce Fort, MTC**

This committee has tasked the Section 18 work group with proposing new model regulations or changes to existing model regulations to reflect recommended changes adopted by the Commission to the Compact Art. IV (UDITPA). The work group has been focusing on rules for taxpayers who would not have a receipts factor (because certain receipts are generally not included in the receipts factor under the changes). The work group has also drafted a model regulation addressing the apportionment of income of bank holding companies and subsidiaries that are not currently covered by state rules for apportioning the income of financial institutions.

Work Group Report – The work group will give its report on proposed draft regulations, Special Rules – Receipts Factor, and Bank Holding Companies and Subsidiaries and is expected to propose final drafts for the committee’s discussion and possible approval.

Public Comment – The Chair will invite members of the public to provide information or comments on the proposed draft regulations.

Committee Discussion – The Chair will ask for comments or questions of the committee members and other state representatives and allow for discussion of the proposed draft regulations. In particular, the Chair may seek specific comments on:

- The de minimis standard as applied in proposed Sec. IV.18.(c).
- Other provisions of proposed Sec. IV.18.(c).
- The provisions addressing bank holding companies in proposed Sec. IV.18(d).

Committee Vote – After discussion, the Chair may ask for or entertain specific motions and take a vote of the committee on:

- Proposed amendments
- Approval of the regulations (as proposed or amended) for referral to the Executive Committee
- Referral of the regulations or particular sections back to the work group with instructions

LUNCH – 11:30 A.M. – 1:00 P.M. (on your own)

**VII. STATE ROUNDTABLE
(1:00 P.M. – 2:00 P.M.)
All Committee Members and State Representatives**

Each state representative/committee member is invited to give a report about significant tax developments in that state that may be of interest to other states.

**VIII. PROJECT: Partnership/RAR Model Work Group
(2:00 P.M. – 3:30 P.M.)
Tracee Abel, Work Group Chair, Helen Hecht and Sheldon Laskin, MTC**

This project started as an information project after Congress passed new requirements for audits of large partnerships. This committee then created a working group and has asked that group to recommend changes to state law that would allow states to respond to the change in the federal partnership audit and adjustment process, allow for assessment of tax amounts at the entity level, and make modifications to the Commission’s Reporting Federal Adjustments Model (RAR) statute and regulations. A number of “interested parties” (ABA, AICPA, COST, TEI, IPT and others) are assisting the work group and have proposed a draft which the committee agreed should be the starting point for the work group’s deliberations.

Work Group Report – The work group will give a report on the project’s status and any other related developments and is expected to report on areas of agreement and disagreement, or other areas which would benefit from the committee’s direction.

Public Comment – The Chair will invite members of the public to provide information or comments on the project and any specific proposals or questions from the work group.

Committee Discussion – The Chair will ask for comments or questions of the committee members and other state representatives and allow for discussion of the specific proposals or questions from the work group.

Committee Vote – After discussion, the Chair may ask for or entertain specific motions and take a vote of the committee on how the work group should proceed.

**IX. NEW BUSINESS
(3:30 P.M. – 4:00 P.M.)**

Any committee member or member of the public may bring forward a new issue or proposal for the committee to consider.

X. ADJOURNMENT